



## **Citizen Police Advisory Review Board**

### **Notes**

The Citizen Police Advisory Review Board met on Tuesday, January 16, 2007 at 5:30 p.m. at the Downtown Library, Basement, 101 N. Stone, Tucson, Arizona.

#### **1. Call to Order/Roll Call**

##### Members Present:

Susan Thornton, Vice Chair  
Ed Ware  
Tom Clark  
Evelyn Alvarez  
Cindy Schiesel, Chair  
Michael Elsner (arrived at 5:38)

##### Representing:

Mayor  
Ward 1  
Ward 2  
Ward 3  
Ward 4  
Ward 6

##### Absent Members:

##### Advisory Members Present:

Joaquin Murrieta  
Jennifer Lopez  
Daniel Knieter

##### Absent Advisory Members:

##### Ex-Officio Non-Voting Members Present:

Liana Perez, Equal Opportunity Employment, Independent Police Auditor  
Captain Bob Shoun, Tucson Police Department

##### Others Present:

Kris Page-Iverson, City Attorney's Office  
Deputy Chief Kermit Miller, Tucson Police Department  
Captain Michael Garigan, Tucson Police Department  
Lieutenant Ron Stitso, Tucson Police Department  
Sergeant Paul Sayre, Tucson Police Department  
Beth Tidwell, Recording Secretary, City Clerk's Office

#### **2. Approval of Notes of December 19, 2006**

Motion by Vice Chair Susan Thornton, duly seconded, and carried by a voice vote of 5 to 0 (Michael Elsner absent) to approve the notes of December 19, 2006.

#### **3. Call to the Audience**

There was no one present.

#### **4. Presentation by TPD on Gang Activity, Gang Graffiti, Graffiti Abatement Efforts and Related Topics**

Captain Michael Garigan, Commander of the Special Investigations Division, Tucson Police Department (TPD), gave examples of gang activity in Oakland, California, Baltimore, Maryland and Tucson, Arizona. He spoke about the increased crime with nationwide gang activity. Captain Garigan said crime trends in Tucson were on a rise. He said the police department has seen a rise in homicides, aggravated assaults and forcible rape related to gangs. Other trends included burglary, larceny and auto theft.

Captain Garigan said we needed a Westside Police Service Center, headquarters for Crime & Lab Investigations Expansion, the Eastside substation renovation and there were also future substation needs.

Captain Garigan mentioned a short term plan to reorganize the Special Investigations Section to focus on violent crime and specifically on gang crime. He said doubling the size of the gang tactical unit by taking officers from other assignments, to provide seven days per week focus on gang crime was another short term plan. Captain Garigan mentioned the gang problem in Tucson could not be arrested away. He said a comprehensive plan needed to include enforcement, prosecution and legislative strategies along with prevention and intervention strategies.

Captain Garigan said the gangs now were not like the gangs in the 1970's, 80's or early 90's. He said the earlier gangs were more territorial over small areas, or corners. He said today's gang members infiltrate neighborhoods and have wide territories. He said another issue was violence with firearms. Today's gangs did not have fistfights or exchange words necessarily, but they did shoot guns. He said if they had a gun they would commit a violent act over something as simple as not shaking hands. He said law enforcement did not know how to combat that. Captain Garigan said it was a bigger issue than having a tactical unit go out and make sure a neighborhood was safe.

Captain Garigan said they were purposely trying to avoid talking about gangs because they had learned for whatever reasons it empowered the specific gang the police discussed, especially in the media. He reported that TPD knew the most active gang members and neighborhoods, but gangs were everywhere.

Captain Garigan said their efforts were to identify more gang members, or those affiliated with gangs and gang related incidents. He mentioned having a second Gang Tactical squad gave them more flexibility.

Captain Garigan said there was an increase of forty nine percent in gang detective workload to investigate cases that were marginally gang related. He said one of the other things they had to pay attention to was gun crime. He said their job was to use all City, State and Federal laws to go after people who should not have weapons or were trafficking, or supplying weapons. He said they were trying to build a system so that if someone had a gun that should not have a gun, they would find out. He said the jurisdictions had different laws on the same type of incidents. He said they were trying to use the one that best fits the situation. They work closely with other agencies in trying to take down misuse of weapons. The police work gun shows in attempt to help cut straw purchases. A straw purchase was when someone who legally could buy a gun, gave it to someone else who could not purchase a gun legally. He said the Federal Government had an excellent statute. He said many of the guns seized were not stolen

guns, they were acquired legally and giving to perpetrators and a lot of those purchases were made at a gun shows.

Captain Garigan said they keep a database on gang activity, which helped them in working with their peers through out the County, State and Southwest. He said they had talked about cameras to monitor high crime areas. He said using existing laws such as racketeering and continuing criminal enterprise, were beneficial in gang cases.

Captain Garigan said the Department of Corrections allowed them to make home visits to gang members who were released from the jails, to let them know that the police were aware of them being back in the community. He mentioned the use of civil injunctions that were successful in California. Meaning gang members could not congregate with each other, had curfews, and places they could not go to. He said nationally six hundred and thirty thousand people were being released and paroled every year.

Captain Garigan said the Chief wanted Mayor and Council to know there would be a cut in funding to the GREAT program, which was designed as an intervention program to prevent youth from joining gangs. He said the department was looking closely at what the school resource officers did and did not do. He said they would see how many students they really did affect. He said some of the responsibility issues did not belong just to the Tucson Police Department. He said all levels of the community needed to accept their responsibility for developing moral and civic responsibility in youth.

Captain Bob Shoun, Tucson Police Department, said the City had a new company they were working with to remove graffiti. The company was called Graffiti Protective Service. He said they work fast and do a great job. He mentioned the company's ability to match the paint when doing cover-ups. He said the public could call 792-CITY or email at [graffiti@tucsonaz.gov](mailto:graffiti@tucsonaz.gov) to report graffiti. Captain Shoun said the police department tracked taggers. He said the Department of Neighborhood Services and been helpful in working with the police and Graffiti Protective Service.

## **5. Office of Independent Police Auditor**

### **A. Outreach Report**

Liana Perez, Independent Police Auditor, stated most of her outreach efforts during the month of December were made at the Citizen's Police Academy and the Police Academy.

### **B. Monthly Contacts**

Liana Perez, Independent Police Auditor, mentioned a film she had talked about in an earlier meeting, was now complete. Ms. Perez said the film would be used in schools for kids to understand their rights and to develop relationships between the school police officers, and the students.

Ms. Perez said the film was complete, but it had taken more time because of a lack of participation from Hispanic kids. She said she wanted their faces to be seen and represent the diverse community in Tucson. Ms. Perez wanted the Board to view the film and give their opinion in a future meeting.

Ms. Perez said she was still searching for an investigator in her office. She said she did not want to fill the position just to fill it, but wanted someone who fit properly.

**6. Tucson Police Department**

**A. TPD Updates**

There was no discussion.

**B. Office of Internal Affairs**

There was no discussion.

**7. Random Review of TPD Investigations**

**1. Case #06-0173**

The Board agreed the interviews were extremely thorough.

Case #06-0173 was found to be a fair and thorough investigation by a voice vote of 6 to 0.

**2. Case #06-0465**

The Board said the report showed inconsistency. They agreed the officer should not have somewhat admitted to the language and verbiage and then question his own actions; either he said it or he did not.

The Board asked where was the line of courtesy drawn.

Captain Shoun said in general terms the department always expected the officers to speak with courtesy. He said they understood if a situation was turning for the worst an officer might use a term that he would not use normally in a different setting. He said each case would be looked at independently.

Deputy Chief Miller said just because the person an officer was dealing with was cussing and acting out of line, it did not give the officer the right to act the same way.

The Board asked if the plaintiff spoke English or did he speak Spanish.

Captain Shoun said he spoke Spanish and since there was no one available to translate they called Liana Perez, Independent Police Auditor, to help aid in the language barrier.

Liana Perez, Independent Police Auditor, said on occasions the police department would call her office to take a report and refer it to Internal Affairs, if it was a Spanish speaker. In this particular case the Lieutenant followed up with her to see if there was additional information in the case.

Case #06-0465 was found to be a fair and thorough with a concern about the investigation by a voice vote of 6 to 0.

3. Case #06-0608

Case #06-0608 was held over until the meeting of February 20, 2007 by a voice vote of 6 to 0.

8. **Recess**

By consensus, the Board decided to forego a recess.

9. **Presentation and Discussion on Mayor and Council Comment Line by Liana Perez**

Liana Perez, Independent Police Auditor, explained the public comments came into a website. From there, they were distributed to the department that handled the particular situation. She said Neighborhood Resources mainly took care of the site and distribution of the comments.

10. **Presentation and Discussion of CPARB's Authority to act with respect to the TPD-related comments reported from the Mayor and Council Hotline by Kris Page-Iverson**

Kris Page-Iverson, City Attorney, stated the Citizens Police Advisory Review Board (CPARB) was created in Chapter 10-A, Article 8, in the City Code. She said the Board could refer citizens to Internal Affairs or the Independent Police Auditor if they had a complaint. Ms. Page-Iverson said they had the ability to do public outreach if they felt the need to educate the public on something. She mentioned they could review cases as they did in each meeting.

Ms. Page-Iverson said they could write comments or concerns to departments, Mayor and Council, City Manager's Office, and the Chief of Police relating to the citizen's complaint process or policy and procedure process. She said they had community partnership with the Police Department.

Ms. Page-Iverson said 10A-93 listed some limits to the Board's power. She said she understood why they were tempted at times to go beyond, but they could not. She mentioned they were not able to make independent investigations and could not act as a quasi-judicial board. The Board could not establish City policies or do anything appearing as if they were.

11. **Review of Citizen Comments submitted to Mayor and Council in reference to TPD during the past month**

No Citizen Comments were submitted to the Board for discussion during the month of January 2007.

12. **Report for the Chair / Announcements**

Chair Schiesel said the Board would have officer elections coming up in February.

Chair Schiesel announced the Board would be reviewing a case that the complainant requested another review of.

The Board needed to come up with a training day that fit everyone's schedule.

Chair Schiesel said Hector Morales had missed four consecutive meetings and was therefore removed from the Board per the Tucson Code. She said she would contact Council Member Leal's office about finding a new appointee.

Chair Schiesel asked the members to consider taking over the maintenance of the website since Mr. Cameron had resigned.

**13. Selection of New Advisory Board Member**

Joel Patterson was selected as the new Advisory Board Member by a voice vote of 6 to 0.

**14. Future Agenda Items**

Chair Schiesel asked the Tucson Police Department to give a presentation on their plan for keeping March Madness under control.

**15. Adjournment – 7:33 p.m.**

MOTION by Evelyn Alvarez, duly seconded, and approved by a voice vote of 6 to 0, to adjourn.